

CIVIL SERVICE BOARD

Meeting Minutes Thursday-Friday, July 19-20, 2007

Members and Staff Present:

Shari Boggess	Chair
Steven Martinez	Vice Chair
Michael McDonald*	Member
Cindy Caress	Member
Edgar Deatherage	Member
Dan McCloskey	Board Counsel
Kristina Martinez	Secretary Designee

* Member McDonald absent partial day on Thursday July 19th, and all day on Friday July 20th, 2007.

The meeting was called to order by Chair Boggess at 9:02 p.m., in Meeting Room A, Fresno City Hall.

The following items were heard in order as listed on the agenda.

APPROVAL OF MINUTES

Revise the minutes of June 14, 2007 to reflect going into Executive Session if applicable.

(After reviewing the tapes from June 14, 2007 it was determined that the Board did not go into Executive Session, thus the minutes will stand approved as originally submitted).

SCHEDULE/CONFIRM MEETINGS

The Board scheduled a meeting for August 9th at 1:00pm.

REVIEW HEARING OFFICER'S OPINION, FINDING, AND RECOMMENDATION

At 9:09 a.m. the Board convened into Closed Session.

Deputy City Attorney Victoria Parks Tuttle was present on behalf of the Appointing Authority. The Appellant was not present.

A motion was made by Member Caress and seconded by Member Deatherage to uphold and accept the Hearing Officer's Opinion, Finding and Recommendation.

Ayes: Caress, Boggess, Deatherage, McDonald and Martinez

Noes: None

Abstain: None

The Board convened into Executive Session at 9:08 a.m. The Board reconvened into Closed Session at 9:18 a.m. Board Counsel announced the decision of the Board in accordance with the Brown Act.

PUBLIC EMPLOYEE DISCIPLINE – GOVERNMENT CODE SECTION 54957 (FAX)

At 9:22 a.m. the Board convened into Closed Session.

Chair Boggess announced the time had arrived for the hearing of an appeal from a termination dated March 26th, 2007. Tina Griffin, Deputy City Attorney and Kenneth Hamm, Transportation Director, represented the Appointing Authority. Appellant was present and was self-represented. The Chair declared it a closed hearing and witnesses were sequestered.

Several breaks were taken as requested during July 9th and July 20th.

At 3:39 p.m. on July 20, 2007, following summaries and closing remarks by all parties, the Chair declared that the hearing was closed and the Board would convene into Executive Session to deliberate the matter.

At 6:36 p.m. the Board reconvened into closed session. With Labor Relations Secretary Tina Martinez absent, the Board then voted on the charges as read by Board Counsel. The charge of violation of Fresno Municipal Code Section 2-1666(a) was sustained on a 4-0 vote.

The charge of violation of Fresno Municipal Code Section 2-1666(b) was sustained on a 4-0 vote.

The charge of violation Administrative Order 2-27 Preventing Workplace Violence was not sustained on a 3-1 vote with Member Deatherage voting to sustain the charge.

On a motion by Board Member Caress, seconded by Board Member Martinez, on a 4-0 vote, the Board voted to rescind the Order of Removal.

On a motion by Board Member Martinez, seconded by Board Member Caress, on a 4-0 vote, reinstated the Appellant to his position as a bus operator, with full pay and benefits, as a bus driver with a thirty (30) day suspension.

The Board went into open session at 6:43 p.m. and Board Counsel announced the tentative decision of the Board and Board Counsel was directed to contact the Appellant and the Appointing Authority of the tentative decision.

UNSCHEDULED PUBLIC COMMUNICATION

None

There being no further business to come before the Board, the meeting was adjourned at 6:46 p.m.

Terry A. Bond, Secretary to the
Civil Service Board